

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

EMANUEL DELEON FIELDS,

ID # 1127671,

Petitioner,

vs.

NATHANIEL QUARTERMAN, Director,

Texas Department of Criminal

Justice, Correctional Institutions Division,

Respondent.

No. 3:05-CV-2075-D

ECF

RECOMMENDATION REGARDING CERTIFICATE OF APPEALABILITY

A Notice of Appeal has been filed in the above captioned action in which:

- (X) the District Court has entered a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254.

Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the undersigned Magistrate Judge recommends as follows:

IFP STATUS:

- (X) the party appealing should be GRANTED *in forma pauperis* status on appeal.

COA:

- ( ) a Certificate of Appealability should be GRANTED. (See issues set forth below).  
(X) a Certificate of Appealability should be DENIED. (See reasons stated below).

**REASONS FOR DENIAL:** For the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **February 26, 2008**, which were adopted by the District Court on **April 16, 2008**, petitioner has failed to make a substantial showing of the denial of a constitutional right. See *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

DATED this 10th of June, 2008.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE